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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,852	05/31/2005	Takashi Shimizu	255595US3PCT	3004
22850 7590 09/10/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER KNIGHT, DEREK DOUGLAS	
			ART UNIT 3681	PAPER NUMBER
			NOTIFICATION DATE 09/10/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/500,852

Applicant(s)

TAKASHI ET AL

Examiner

Derek D. Knight

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) 31-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-24, 26 and 27 is/are rejected.
- 7) ☒ Claim(s) 25 and 28-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/16/04, 1/3/05, 5/31/05, 10/27/06
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Election/Restrictions

1. Applicant's **election with traverse of Species A, claims 22-30** in the reply filed on July 25, 2007 is acknowledged. The traversal is on the ground(s) that a search and examination of the entire application would not place a serious burden on the Examiner. This is not found persuasive because the 19 species that were designated in the Office Action mailed on May 29, 2007 are all independent and distinct. Furthermore, the search for the species that are drawn to the structure of the planetary gear would not necessarily be in the same class, let alone same sub-class as the figures drawn to the spacer or lubrication system.

The requirement is still deemed proper and is therefore made FINAL.

2. **Claims 31-56 are withdrawn** from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on July 25, 2007.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **ALTENBOKUM (US 4,106,366)** in view of **GROSSEAU et al. (US 3,605,522)**.

Regarding claim 22-24 and 26: **ALTENBOKUM** shows a planetary gearset comprising: a rotating element (6) which is one element from among a sun gear (1), a ring gear (3), and a carrier (6) that rotatably retains a plurality of pinion gears (2) arranged between the sun gear and the ring gear, and which transmits torque between said rotating element and an external member (not shown); and a fixed element (3) which is one element from among the sun gear, the ring gear, and the carrier, said fixed element being an element other than the rotating element (6), which is retained so as to be able to move without rotation in a predetermined radial direction of a load from the transmission of torque between the rotating element and the external member (see **ALTENBOKUM** abstract), and which is constructed such that the load from the transmission of torque between the rotating element and the external member is received by a fixed portion (18) that rotatably retains that rotating element.

ALTENBOKUM goes on to show the fixed element (3) is retained by coupling means in a form of a grooved spline (10,11) such that said fixed element is allowed to move without rotation in said predetermined radial direction parallelly to said load, and wherein this radial movement is allowed to such extent that said load is received through a reaction force of a same size as the load by said fixed portion.

ALTENBOKUM also shows a permanent gap (@ 8) adjacent to said rotating element configured to allow the rotating element to rotate, and a grooved spline provided between said fixed element and a casing configured to allow the fixed element to move without rotation in said predetermined radial direction.

ALTENBOKUM does not show the external member being provided eccentric with respect to the rotating element.

GROSSEAU shows a planetary gear set in Fig. 1 having an external member (d') provided eccentric with respect to the rotating element (c).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **ALTENBOKUM** such that an external member would be provided eccentric with respect to the rotating element in view of **GROSSEAU** to provide a more compact driving arrangement.

4. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over **ALTENBOKUM (US 4,106,366)** in view of **GROSSEAU et al. (US 3,605,522)** as applied to claims 22-24 and 26 above, and further in view of **HORIKIRI et al. (US 4,096,769)**.

Regarding claim 27: ALTENBOKUM in view of **GROSSEAU**, as discussed in the rejection above discloses a planetary gearset having a fixed element (3) retained on a fixed portion (18) by a member (12).

The combination of **ALTENBOKUM** in view of **GROSSEAU** does not teach the member being elastic.

HORIKIRI shows in Fig. 5, a fixed element (7) of a planetary gearset retained on a fixed portion (13) by an elastic member (15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of **ALTENBOKUM** in view of **GROSSEAU** such that the fixed element would be retained on the fixed portion by an elastic member in

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view of **HORIKIRI** in order to ensure even engagement of all planet gears with the ring gear and sun gear for uniform distribution of the load among the planets (**HORIKIRI**, col. 1, ln. 26-30).

Allowable Subject Matter

5. Claims 25, and 28-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Facsimile Transmission

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is (571) 273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

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Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on _____ (Date)

Typed or printed name of person signing this certificate:

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek D. Knight whose telephone number is (571) 272-

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7951. The examiner can normally be reached on Mon - Thurs & every other Friday,
8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DDK

Charles A. Marmor 9/4/07
CHARLES A. MARMOR
SUPERVISORY EXAMINER
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